

AI
rotating said member to said lowered position;
applying a wash to said optically active test stack;
rotating said member to said raised position;
applying an amplifying reagent solution to said optically active test stack;
rotating said member to said lowered position;
applying a wash to said optically active test stack; and
observing said optically active test stack for a visual indication of the presence or
amount of the analyte of interest.

36. (New) The method of claim 34 or 35 further including incubating said optically active
test stack after applying said test sample and after applying said amplifying reagent solution.

REMARKS

The present invention relates to methods and devices for flow-through optical assay for
the detection of an analyte of interest in a sample that conveniently allows control of the flow
characteristics of the sample through the device without significant user intervention.

Claims 1-33 are presently pending in the instant application. Applicants have cancelled
all pending claims herein, and added new claims 34-36. The new claims are commensurate in
scope to claims 31-33, which were cancelled by the Examiner's Amendment as non-elected
claims in the co-pending US Patent Application No. 09/272,641. Thus, the new claims are fully
supported by the specification and do not introduce new matter. For example, the specification
describes a method for detecting an analyte of interest in a test sample *e.g.*, on page 9, lines 3-19;
page 25, line 17 through page 26, line 14.

Notwithstanding the foregoing, Applicants expressly reserve the right to pursue subject
matter no longer or not yet claimed in the instant application in one or more applications which
may claim priority hereto.

Applicants respectfully submit that the pending claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the address and telephone number listed below so that they may be resolved without the need for additional action and response thereto.

Respectfully submitted,

By Wing Whittaker

FOLEY & LARDNER
Customer No. 23620
 402 W. Broadway, 23rd Floor
 San Diego, California 92101
 Telephone: 619-234-6655
 Facsimile: 619-234-3510

Michael A. Whittaker
Attorney for Applicant
Registration No. 46,230